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*Attorneys for Defendants
The Yucaipa Companies LLC and
Ronald Burkle*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

RICKY DUDLEY, Individually and On
Behalf of All Others Similarly Situated

Plaintiff,

v.

CHRISTIAN W.E. HAUB, ERIC CLAUS,
BRENDA M. GALGANO, RONALD
MARSHALL, SAMUEL MARTIN, THE
YUCAIPA COMPANIES LLC, RONALD
BURKLE and FREDERIC BRACE

Defendants.

Civil Action No.: 2:11-CV-05196 (WJM) (MF)

**NOTICE OF MOTION
TO DISMISS**

MOTION DATE: October 15, 2012

TO: THE CLERK OF COURT AND ALL COUNSEL OF RECORD

PLEASE TAKE NOTICE that on October 15, 2012, at 9:00 a.m., or as soon thereafter as counsel may be heard, defendants The Yucaipa Companies LLC and Ronald Burkle (jointly “Defendants”) will move, by and through the undersigned attorneys, before the Honorable

William J. Martini, U.S.D.J., for an order pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4 *et seq.*, dismissing the Amended Complaint in the above-captioned action with prejudice.

PLEASE TAKE FURTHER NOTICE that, in support of their motion, Defendants will rely upon the accompanying Memorandum of Law, Declaration of Jason B. Lattimore, and proposed Order, as well as all pleadings and other documents filed with the Court in this matter, including the motion to dismiss submitted by other defendants in this case.

Oral argument is requested.

Dated: June 22, 2012

Respectfully submitted,

LATHAM & WATKINS LLP

By: s/ Jason B. Lattimore
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